

**STATE OF NEW YORK : SUPREME COURT  
COUNTY OF BROOME**

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**JOHN DOE,**

**Plaintiff,**

**COMPLAINT**

**-vs-**

**THE BOYS AND GIRLS CLUB OF WESTERN  
BROOME, INC., a/k/a LOUIS N. PICCIANO  
BOYS' CLUB, INC., a/k/a BOYS' CLUB OF  
GREATER ENDICOTT, INC.,**

**Defendants.**  
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Plaintiff complaining by and through his attorney, Law Office of Ronald Benjamin  
alleges as follows:

1. This action is commenced IN ACCORDANCE WITH CPLR 214-G AND 22 NYCRR 202.72. This complaint is filed pursuant to the Child Victims Act (CVA) 2019 Sess. Law News of N.Y. Ch. 11 (S. 2440), CPLR 214-G, and 22 NYCRR 202.72. The CVA opened a historic one-year one-time window for victims and survivors of childhood sexual abuse in the State of New York to pursue lapsed claims.
2. Plaintiff John Doe resides in Broome County and is the victim of child abuse as is more fully set forth below and therefore proceeds by using a pseudonym pursuant to section 50 B (2). of the Civil Rights Law of the State of New York protecting plaintiff's identity as a child abuse victim.
3. Defendant The Boys and Girls Club of Western Broome, Inc., a/k/a Louis N. Picciano Boys' Club, Inc., a/k/a Boys' Club of Greater Endicott, Inc., is a New York corporation

with Offices located at 1400 Riverview Drive, Endicott, New York. (Hereafter Boys' Club).

4. That the defendant Boys' Club provided varying recreational activities to children in the Endicott area on a daily basis, at all times herein mentioned.

5. That around 1975 or 1976 plaintiff began attending the Boys' Club after school from approximately 5:00 P.M. and most weekends all day long.

6. That defendants employed a Gerald Berg as the person who ran the pool and was otherwise responsible for supervising children attending the Boys' Club.

7. Upon information and belief, officers, agents and employees of the Boys' Club failed to properly screen Berg to ensure that he was competent and did not have any propensities to engage in sexual abuse or other unsavory activities.

8. Upon information and belief, some time prior to the time plaintiff commenced attendance at the Boys' Club for recreational purposes other children were subjected to sexual abuse by Berg which should have been discovered by agents, officers and employees of the Boys' Club.

9. That after plaintiff began coming to the Boys' Club, Berg engaged him in conversation including asking him if he wanted to see how a rubber was made.

10. Plaintiff does not recall his response nor does he have a recollection of what other conversation was occurring but he knew that there was conversation that occurred prior to Berg taking the plaintiff upstairs to the photography room.

11. That after being taken to the photography room as aforesaid Berg began to fondle plaintiff and masturbate plaintiff, after which he would make the plaintiff masturbate him.

12. That the only recollection plaintiff has of conversations during the time the aforesaid activity was taking place, was that it had to be kept a secret, so plaintiff did not tell anyone while the abuse continued for approximately one and one half years.

13. That at some point plaintiff mentioned the same to his parents and was taken to the Endicott Police Department by his father where a report was made concerning the aforesaid activity.

14. That at approximately the same time plaintiff reported this to his father he began to realize the conduct was wrong, but also mistakenly believed it was his fault and was consumed by overwhelming feelings of guilt.

15. That plaintiff was so distraught he dropped out of school during ninth-grade.

16. That plaintiff was so devastated by the experience and overwhelming feelings of guilt he was unable to return to school, unable to even complete a high school equivalency test and lost forever the ability to experience going to high school.

17. That the plaintiff continues to be saddled with feelings of guilt, and of being deprived of a normal childhood and his becoming an alcoholic because of the inability to cope with feelings of both guilt and anger at what happened to him.

18. That plaintiff was so ashamed of what happened he never went to seek counseling as he could never bring himself to discuss any of the events that transpired, and as such has been further victimized by not being able to move toward rehabilitating himself.

19. That the injury to the plaintiff as set forth above occurred because in the first instance the Boys' Club failed to properly screen individuals responsible for the health, welfare and safety of the children it supervised, failed to properly monitor Berg who was sexually abusing children on an ongoing basis even before plaintiff began attending the club, and its agents, officers and employees otherwise failed to protect plaintiff from the abuse set forth above.

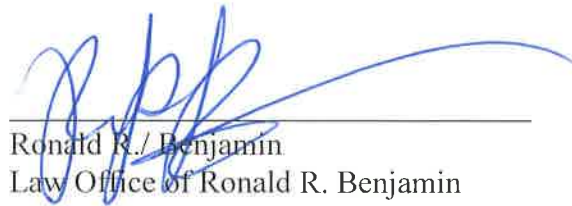
20. That the defendant is further responsible for plaintiff's injury pursuant to the doctrine of respondeat superior.

21. That plaintiff has suffered throughout his lifetime with the aftermath of the abusive activity of Gerald Berg and continues to suffer from the same.
22. That plaintiff is entitled to compensatory damages against the defendant in an amount to be proven at trial.
23. That to the extent the conduct of any of the agents, officers and employees of the defendant evinced a reckless disregard for the health, welfare and safety of the children it supervised, plaintiff is entitled to exemplary damages.
24. That the amount of damages sought by the plaintiff is in excess of the jurisdiction of all lower courts in the State of New York.

**WHEREFORE** plaintiff demands judgment against the defendant as follows:

- (1). Award plaintiff compensatory damages in an amount to be proven at trial.
- (2). Award plaintiff exemplary damages in an amount to be proven at trial.
- (3). Award plaintiff such other and further relief as the Court deems just and proper under the circumstances, including the costs and disbursements of this action.

Dated: August 15, 2019  
Binghamton, New York



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